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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 Mark Anthony Mall,
10 Plaintiff,

11 v.

12 Mary Collins Cronin, et al.,
13 Defendants.
14

No. CV-23-02240-PHX-SMB

ORDER

15 Before the Court is State of Arizona, the Maricopa County Superior Court, and Mary
16 Collins Cronin's (collectively, the "State Defendants") Motion to Dismiss (Doc. 22)
17 Plaintiff Mark Anthony Hall's Complaint (Doc. 1). Plaintiff, appearing pro se, filed a
18 Motion for Writ of Mandamus (Doc. 34). State Defendants filed a Reply in support of their
19 Motion to Dismiss and Response in Opposition to Plaintiff's Writ of Mandamus (Doc. 41).
20 Plaintiff thereafter filed another response as a Writ of Prohibition and Objection to
21 Defendants Motion to Dismiss (Doc. 42). After reviewing the Parties' briefs and the
22 relevant law, the Court will grant State Defendants' Motion.

23 **I. BACKGROUND**

24 This lawsuit stems from a state court eviction where Defendant Maricopa County
25 Superior Court Commissioner Cronin ("Cronin") entered a judgment of eviction against
26 Plaintiff. (Docs. 1 at 2; 1-1 at 71.) The dispute centers on real property formerly owned
27 by Plaintiff who transferred it into "MALL LIVING TRUST." (Doc. 1-1 at 43, 45, 51.)
28 Plaintiff claims to have conveyed the land to a "Federal Land Patent" in October 2022.

1 (Doc. 1 at 5.) A deed dated September 19, 2023, indicates Leonard J. McDonald, acting
2 as the duly appointed Trustee under a Deed of Trust, sold the property to EZ Homes, Inc.
3 (Docs. 1 at 4; 1-1 at 4–5.) EZ Homes then filed an eviction action against Plaintiff in state
4 court. (Doc. 1-1 at 68–69.) On October 24, 2023, Cronin held a hearing where Plaintiff
5 alleges she did not allow him to speak or present evidence and had security remove him
6 from the court. (Doc. 1 at 3.) After the hearing, Cronin entered judgment allowing the
7 eviction. (Doc. 1-1 at 71–72.)

8 Plaintiff filed a Complaint challenging the eviction on October 30, 2023. (Doc. 1.)
9 He appears to allege the eviction violated his First, Fourth, and Seventh Amendment Rights
10 under the U.S. Constitution. (*Id.* at 3.) Plaintiff demanded a “Writ of Supervisory Control
11 Order” for: (1) a grant of writ of mandamus for the dismissal of Maricopa County Superior
12 Court case CV 23-0115592; (2) a grant of a motion for emergency order for writ of
13 prohibition of eviction/ejectment action in the superior court case; (3) a grant of a motion
14 for writ of prohibition to cease and desist use of legal name Mark A. Mall in the superior
15 court case; and (4) a grant of writ for remedies and damages “to be submitted at a later
16 date” against named Defendants. (Doc. 1 at 6–7.) Plaintiff also sought more than \$250,000
17 in damages. (*Id.* at 7.)

18 **II. LEGAL STANDARD**

19 Under Federal Rule of Civil Procedure 12(b)(1), a party may move to dismiss a
20 claim for lack of subject-matter jurisdiction. Federal courts are courts of limited
21 jurisdiction and may only hear cases as authorized by the Constitution or statute. *Kokkonen*
22 *v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994). A court has subject matter
23 jurisdiction over claims that “aris[e] under the Constitution, laws, or treaties of the United
24 States” and over “civil actions where the matter in controversy exceeds the sum or value
25 of \$75,000, exclusive of interest and costs, and is between” diverse parties. 28 U.S.C.
26 §§ 1331, 1332(a). It is a plaintiff’s burden to prove jurisdiction exists. *Kokkonen*, 511
27 U.S. at 377. In reviewing the Complaint, all allegations are accepted as true and construed
28 in the plaintiff’s favor. *Leite v. Crane Co.*, 749 F.3d 1117, 1121 (9th Cir. 2014). The court

1 then “determines whether the allegations are sufficient as a legal matter to invoke the
2 court’s jurisdiction.” *Id.* If the Court determines at any point that it lacks subject matter
3 jurisdiction, it must dismiss the action. Fed. R. Civ. P. 12(h)(3).

4 **III. DISCUSSION**

5 **A. *Rooker-Feldman* Doctrine**

6 State Defendants first argues the Court lacks subject matter jurisdiction under the
7 *Rooker-Feldman* doctrine because Plaintiff seeks to stay a state court eviction judgment.
8 (Doc. 22 at 4.) In his Response, Plaintiff appears to argue that Cronin lacked proper
9 jurisdiction under the Article IV, section 14 of the Arizona Constitution and Article III,
10 sections 1, 2, and 3 of the U.S. Constitution to enter the eviction judgment. (Doc. 42 at 5.)

11 This Court lacks jurisdiction “over challenges to state court decisions in particular
12 cases arising out of judicial proceedings even if those challenges allege that the state court’s
13 action was unconstitutional.” *District of Columbia Court of Appeals v. Feldman*, 460 U.S.
14 462, 486 (1983). Only the United States Supreme Court may review those decisions. *Id.*
15 (citing 28 U.S.C. § 1257). The “*Rooker-Feldman* doctrine prohibits a federal district court
16 from exercising subject matter jurisdiction over a suit that is a de facto appeal from a state
17 court judgment.” *Kougasian v. TSML, Inc.*, 359 F.3d 1136, 1139 (9th Cir. 2004). Under
18 28 U.S.C. § 1257, Congress vested the United States Supreme Court, not the lower federal
19 courts, with appellate jurisdiction over state court judgments. *Cooper v. Ramos*, 704 F.3d
20 772, 777 (9th Cir. 2012). Dismissal is appropriate where a federal plaintiff asserts the state
21 court decision committed a legal wrong and erroneous decision and seek relief based on
22 that judgment. *Reusser v. Wachovia Bank, N.A.*, 525 F.3d 855, 859 (9th Cir. 2008) (noting
23 a de fact appeal occurs where “claims raised in the federal court action are ‘inextricably
24 intertwined’ with the state court’s decision, such that the federal claims would undercut the
25 state ruling or require the district court to interpret the application of state laws or
26 procedural rules.” (citation omitted)). The doctrine does not bar a plaintiff from bringing
27 a related but independent claim. *Cooper*, 704 F.3d at 779 (cautioning against a sweeping
28 application of the doctrine). The Ninth Circuit has found claims are “inextricably

1 intertwined” where “the relief requested in the federal action would effectively reverse the
2 state court decision or void its ruling.” *Id.* (quoting *Fontana Empire Ctr., LLC v. City of*
3 *Fontana*, 307 F.3d 987, 992 (9th Cir. 2002)).

4 Although it may appear Plaintiff is loosely arguing Arizona’s eviction procedures
5 are unconstitutional, his constitutional claims are in effect a “forbidden appeal from the
6 judicial decision of the lower court.” *See Noel v. Hall*, 341 F.3d 1148, 1157 (9th Cir. 2003).
7 Plaintiff’s constitutional challenges are inextricably intertwined with the state court ruling
8 and go directly to the heart of the judgment in an attempt to prevent his eviction and return
9 of the property. Plaintiff also seems to challenge the state court’s jurisdiction to enter
10 judgement and the purported misconduct in executing the eviction. Both of which task this
11 Court to review whether the state court committed a legal wrong or rendered an erroneous
12 decision and seeks relief based on that judgment. *See Reusser*, 525 F.3d at 859. Further,
13 to the extent the Court construes Plaintiff’s Motion for Writ of Mandamus—filed the same
14 day the Court ordered a Response to State Defendants’ Motion—as a Response, (Doc. 34),
15 his newly asserted claims do not cure the legal deficiencies in this Complaint. The relief
16 Plaintiff seeks is not for this Court to grant. For these reasons, the *Rooker-Feldman*
17 doctrine bars Plaintiff’s claims, thus depriving the Court of subject matter jurisdiction and
18 warranting dismissal. *Kougasian*, 359 F.3d at 1139. Plaintiff may challenge the state
19 court’s ruling through the state court appeals process, not this lawsuit.

20 **B. Other Grounds for Dismissal**

21 Although further inquiry is unnecessary, State Defendants also argue the Eleventh
22 Amendment of the U.S. Constitution bars Plaintiff’s claims. (Doc. 22 at 6–7.) Without a
23 state waiving sovereign immunity, the Court lacks subject matter jurisdiction over the
24 claims against not only those Defendants, but also Cronin. *See Pennhurst State Sch. &*
25 *Hosp. v. Halderman*, 465 U.S. 89, 99–100 (1984) (“[A]s when the State itself is named as
26 the defendant, a suit against state official that is in fact a suit against a State is barred
27 regardless of whether it seeks damages or injunctive relief.”). Cronin’s alleged unlawful
28 conduct occurred during hearings or in entering the eviction judgment, which are immune

1 judicial acts. Likewise, judges and “those performing judge-like functions are absolutely
 2 immune from damages for acts performed in their official capacities.” *Ashelman v. Pope*,
 3 793 F.2d 1072, 1075 (9th Cir. 1986); *Stump v. Sparkman*, 435 U.S. 349, 356 (1978)
 4 (finding judicial immunity applies for malicious or corrupt acts in excess of a court’s
 5 jurisdiction). “Courts of justice are universally acknowledged to be vested, by their very
 6 creation, with power to impose silence, respect, and decorum, in their presence, and
 7 submission to their lawful mandates.” *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1991).
 8 The only remotely prospective relief Plaintiff seeks relates to use of his name, but as noted,
 9 an action against state official is barred absent waiver. *Pennhurst State Sch. & Hosp.*, 465
 10 U.S. at 99–100. The remainder relate to the eviction itself are not for prospective relief.
 11 Therefore, immunity applies to State Defendants absent a waiver not given to here.

12 For the reasons given, the Court will grant State Defendants’ Motion and dismiss
 13 the case with prejudice.

14 **IV. CONCLUSION**

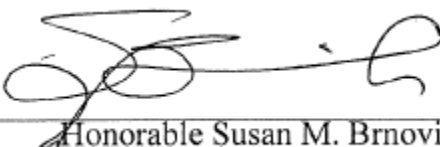
15 Accordingly,

16 **IT IS HEREBY ORDERED** granting State Defendants’ Motion to Dismiss (Doc.
 17 22) dismissing Plaintiff’s Complaint (Doc. 1) with prejudice.

18 **IT IS FURTHER ORDERED** denying Plaintiff’s Motion to Amend his Complaint
 19 (Doc. 54) and the remaining outstanding motions (Doc. 34; Doc. 45; Doc. 49).

20 **IT IS FURTHER ORDERED** directing the Clerk of the Court enter judgment
 21 accordingly and terminate this case.

22 Dated this 12th day of September, 2024.

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 26 Honorable Susan M. Brnovich
 27 United States District Judge
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